Title: USING CONSTRAINT-BASED HEURISTICS TO SATISFICE STATIC SOFTWARE PARTITIONING AND ALLOCATION OF HETEROGENEOUS DISTRIBUTED SYSTEMS

## REMARKS

This further responds to the Final Office Action mailed on February 23, 2009.

## Specification Objection

The Office Action objected to the specification as introducing new matter. Applicant respectfully submits that the amendment to the specification above is supported by the specification as filed. The amendment corrects a typographical error in the first line of Table 6 of the application as filed. In support of the amendment, Applicant has filed herewith a declaration under 37 C.F.R. 1.132. Applicant respectfully submits that the amendment and the declaration overcome the objection to the specification. Applicant respectfully requests reconsideration and the removal of the objection to the specification.

## CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. Box 2938 Minneapolis, MN 55402 (612) 373-6954

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Date: October 26, 2009

Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this A day of October, 2009.

PATRICIA A. HULTMAN

Name